

Remarks/Arguments

The office action dated August 8, 2005 (the "Office Action") has been received and carefully noted. Claim 13 has been amended. Support for amended claim 13 can be found, for example, paragraphs 0296-0298.

Claims 14 and 15 were objected to for informalities. Appropriate correction has been made.

Claims 13-20 have been rejected by the Examiner under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,015,804 to Golub et al. ("Golub"). Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the references when combined must teach or suggest all the claim limitations. MPEP 2142.

Golub discloses a method to enhance endogenous production of the cytokine IL-10, which is known to down-regulate the production and biological activity of IL-1 and TNF α production by administering tetracycline derivatives. Col. 8, lns. 60-64. Thus, the method in Golub is directed to a method to increase a cytokine, not a cytokine receptor. In contrast, amended claim 13 describes a process for producing a composition for the treatment of a disease, condition or disorder, comprising contacting blood or a fraction thereof with a therapeutic substance selected from the group consisting of tetracyclines or tetracycline-like compounds thereby increasing the level of cytokine receptors, and isolating the blood or fraction thereof having the increased cytokine receptors. Thus, amended claim 13 is directed to a process to increase a cytokine receptor, not a cytokine. Accordingly, Golub does not teach or suggest the claim limitation of increasing the level of cytokine receptors. Moreover, Golub does not teach or suggest the claim limitation of isolating the blood or fraction thereof having the increased cytokine receptors because there is no reference to cytokine receptors in Golub. Additionally, Golub does not teach or suggest the limitation in dependent claim 16 wherein the cytokine receptors are increased at least three-fold relative to non-contacted blood or a fraction thereof. Accordingly, Applicant respectfully submits that amended claim 13 and its dependent claims 14-20 are patentably allowable.

The pending claims are believed to be patentable over the references and reconsideration and allowance of the claims if respectfully requested. The Examiner is respectfully requested to call

Applicant's undersigned representative at (213) 689-5148 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefore.

Respectfully submitted,



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